UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
GREENEVILLE

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| UNITED STATES OF AMERICA | ) | |
| | ) | |
| v. | ) | No. 2:14-cr-76 |
| | ) | |
| RAY C. SPEARS | ) | |

# UNITED STATES' MOTION FOR DEFERRAL OF PROSECUTION

The United States of America, by and through Nancy Stallard Harr, Acting United States Attorney for the Eastern District of Tennessee, and moves the Court to defer prosecution of defendant Ray C. Spears during the period of his pretrial diversion in accordance with Title 18, United States Code Section 3161(h)(2) and Sections 9-22.00 *et seq*. of the United States Attorneys Manual. In support of its motion, the United States asserts as follows.

1. Defendant Ray C. Spears has entered into a written pretrial diversion agreement with the United States Attorney and the Chief United States Probation Officer for the Eastern District of Tennessee effective May 23, 2016. Pursuant to the agreement, prosecution of Mr. Spears in the above-styled case will be deferred for a period of not more than eighteen (18) months. During that time, Mr. Spears will be under the supervision of the United States Probation Office subject to the terms and conditions set forth in the agreement. Upon successful completion of his term of pretrial diversion, the United States agrees to dismiss the indictment as to Mr. Spears.

2. Title 18, United States Code, Section 3161(h)(2) provides that any period of delay during which prosecution is deferred by the attorney for the government pursuant to a written agreement with the defendant, with the approval of the court, for the purpose of allowing the defendant to demonstrate his good conduct is excludable under the Speedy Trial Act.

Good cause being shown, the United States respectfully submits that the motion is due to be granted and that the prosecution of Ray C. Spears should be deferred for a period of eighteen (18) months commencing May 23, 2016 to permit him to complete his period of diversion.

RESPECTFULLY SUBMITTED

NANCY STALLARD HARR
Acting United States Attorney

By: s/ Helen C.T. Smith

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Certificate of Electronic Filing and Service

I certify that on May 24, 2016, I filed a copy of the foregoing motion electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by first class United States mail. Parties may access this filing through the Court's electronic filing system.

s/ Helen C.T. Smith

Helen C.T Smith